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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,693	08/10/2000	Hitoshi Mouri	000971	5812

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EXAMINER

MEREK, JOSEPH C

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/27/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,693

Applicant(s)

MOURI ET AL.

Examiner

Joseph C. Merek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

Claims 4 and 5 are objected to because of the following informalities: the current amendment is not based upon the last amended state of claims 4 and 5. The amendment filed 9/06/02 (known as the B amendment) removed any multi-dependency from claim 4 and 5. Claim 4 depended only from claim 3. Claim depended from only claim 4. The claims have been rejected as they were previously amended, i.e. claim 4 depending from claim 3 and claim 5 depending from claim 4. Moreover, 5 is an improper multi-dependent claim as now presented since it cannot depend from another multi-dependent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanabe (JP 04-44948). Regarding claim 3, see Figs. 1, 3, and 4. The walls are hinged to the bottom. 31 is the through hole and 30 is the projection that engages the through hole. 14 and 15 are the engagement frame sections. The projection 31 has surfaces that are perpendicular to the surface from which it projects. Moreover, the projection is perpendicular to the bottom surface from which it projects. The bottom surface is part of

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the engagement portion of the walls. Regarding claim 4, the bottom of the wall will engage surface 8 when the walls drop vertically in slots 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanabe in view of Uitz (US 5,275,302). Regarding claim 5, Tanabe does not teach the card presser pieces each constituting a card holder that are integrated with the sidewall via a thin connection section. Uitz as seen in Figs. 6 and 7, teaches card presser pieces 53, each constituting a cardholder, where the card presser pieces are integrated with the sidewall via a thin connection section. It would have been obvious to employ the card holding presser pieces of Uitz in the container of Tanabe to provide a card holder as taught by Uitz. The pieces 53 of Uitz are connected to the wall via a thin connection, which is the thickness of the material 53 since they are "L" shaped.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lubric (US 5,938,059) in view of Karpisek (US 5,730,307). Regarding claim 3, Lubric as seen in Figs. 9 and 10, teaches the claimed structure of a bottom portion where there are four walls hinged to the bottom where the sidewalls have projections 74 that are received in recesses 72. Lubric does not teach the recesses being through holes. Karpisek, as

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seen in Figs. 3-6, and 8, teaches a container hinge where a projection is received in a through hole. It would have been obvious to employ the through hole of Karpisek in the container of Lubric to provide an alternative mating arrangement or to provide a female mating structure that is easier to mold. The projections 74 are perpendicular to the engagement portions from which they extend. Lubric has the prior art mating surfaces 26 and 28 on adjacent sidewalls as seen in Col. 5, lines 46-51.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lubric in view of Karpisek as applied to claim 3 above, and further in view of Umiker (US 5,398,834). Regarding claim 4, the modified container of Lubric does not teach bottom of the wall mating with a top surface of the bottom portion. Umiker, as seen in Figs. 5 and 7, teaches the bottom of the wall mating with the top surface of the bottom. It would have been obvious to employ the mating surfaces of Umiker in the modified container Lubric to provide a stop surface as taught by Umiker.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lubric in view of Karpisek and Umiker as applied to claim 4 and further in view of Uitz (US 5,275,302). Regarding claim 5, the modified container of Lubric does not teach the card presser pieces each constituting a card holder are integrated with the sidewall via a thin connection section. Uitz as seen in Figs. 6 and 7, teaches card presser pieces 53, each constituting a cardholder, where the card presser pieces are integrated with the sidewall via a thin connection section. It would have been obvious to employ the card holding presser pieces of Uitz in the modified container of Lubric to provide a card

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holder as taught by Uitz. The pieces 53 of Uitz are connected to the wall via a thin connection, which is the thickness of the material 53 since they are "L" shaped.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umiker (US 5,398,834) in view of Karpisek (US 5,730,307). Regarding claim 3, see Figs. 1-9, Umiker teaches the claimed structure where the engagement projection 16 is received in a recess but not a through hole. Karpisek as seen in Figs. 3-6, teaches a similar structure where the projection is received in a through hole. It would have been obvious to employ the through hole in the container of Umiker to provide a more positive interlock. The projections 16 are perpendicular to the surface from which it extends. The surface is part of the engagement portion. Regarding claim 4, the bottom surface of the wall engages the top surface of the bottom 11 as seen in Fig. 7 of Umiker.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umiker in view of Karpisek as applied to claim 4 above and further in view of Uitz (US 5,275,302). Regarding claim 5, the modified container of Umiker does not teach the card presser pieces each constituting a card holder are integrated with the sidewall via a thin connection section. Uitz as seen in Figs. 6 and 7, teaches card presser pieces 53, each constituting a cardholder, where the card presser pieces are integrated with the sidewall via a thin connection section. It would have been obvious to employ the card holding presser pieces of Uitz in the modified container of Umiker to provide a card holder as taught by Uitz. The pieces 53 of Uitz are connected to the wall via a thin connection, which is the thickness of the material 53 since they are "L" shaped.

Response to Arguments

Applicant's arguments filed 6/06/03 have been fully considered but they are not persuasive. Applicant argues that the projection of Tanabe is not perpendicular to the engagement portions. The projection is perpendicular to the surface from which it extends and this surface is part of the engagement portion.

Applicant describes the structure of Lubric but does argue how it is different from the claimed invention or how it does not meet the claim limitations. The rejection is therefore maintained.

Applicant describes the structure of Umiker but does argue how it is different from the claimed invention or how it does not meet the claim limitations. The rejection is therefore maintained.

Allowable Subject Matter

Claim 2 is allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

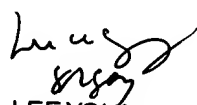
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


JCM

August 23, 2003


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700